

ATTACHMENT - REMARKS

This application now includes claims 1-3, 5-14, 16-19, 22, and 24-29. These include independent claim 1, which has been amended to clearly distinguish in a patentable sense over the applied references, together with its dependent claims 2, 3, 5-14, and 16-19; and independent claim 22, which has already been allowed, along with its dependent claims 24-29.

Claim 1 was rejected under § 103 as unpatentable over Rosene et al (hereinafter "Rosene") in view of Wei.

The irrelevance of Rosene to the present invention is recognized by the Examiner and has been thoroughly discussed in the Remarks of Amendments filed June 26, 2008 and March 17, 2009. Those Remarks are incorporated by reference herein.

In the Office Action of June 18, 2009, the Examiner combines Rosene with Wei.

However, while Wei lacks sufficient disclosure to justify a combination thereof with Rosene to render claim 1 unpatentable, Applicant has amended claim 1 herein, and as amended, claim 1 is clearly patentable over the combination of Rosene and Wei.

A very basic distinction is that claim 1 is directed to a punching tool, a feature of which is that a die plunger is movable into and out of a guide bushing and this feature is utilized in that when the die plunger is in the guide bushing the inner circumference of the guide bushing is utilized to interact with an elastic washer to retain the punching die whereas when the die plunger is removed from the guide bushing, the elastic washer is allowed to move outwardly to release the punching die. By contrast, in the ratchet hand tool of Wei, the elements which the Examiner considered as corresponding to

Applicant's guide bushing and die plunger, namely the elements 9 and 52, are tightly fixed to each other so that movement of element 52 into or out of element 9 is not contemplated and is in fact not possible.

Further, claim 1 has now been amended to recite the further annular groove in the die plunger which houses the elastic washer and the claim further recites the arrangement of the structural elements when the punching die is secured and the arrangement of the structural elements when the punching die is released. As recited, these features are in no way shown or remotely suggested by Wei in which no elastic washer of any kind is located in a further annular groove of any element which could conceivably be analogized to the die plunger of the present invention.

Claims 2, 3, 5-14, and 16-19 depend from amended claim 1 and are therefore allowable for at least the same reasons as claim 1, and also because these dependent claims add new distinct features.


An Information Disclosure Statement is being filed concurrently herewith. The references cited therein have been reviewed but are believed not to render the claims of this application unpatentable under §§ 102 or 103.

In view of the above, it is respectfully submitted that this application is now in condition for allowance, which action is promptly and respectfully solicited.

Respectfully submitted,

Date: December 16, 2009

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